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15 **UNITED STATES DISTRICT COURT**
16 **WESTERN DISTRICT OF WASHINGTON**
17 **SEATTLE**

18 UNITED STATES OF AMERICA,
19 Plaintiff,
20 vs.
21 RYAN S. HERNANDEZ,
22 Defendant,

Case No.: 2:19-CR-00259-JCC-1

**DEFENDANT'S SENTENCING
MEMORANDUM AND REQUEST
FOR VARIANCE**

Date: December 1, 2020
Time: 9:00 a.m.
Place: Courtroom 16206

Honorable John C. Coughenour

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**I.
OPENING COMMENTS**

Defendant Ryan S. Hernandez, by and through his attorneys of record, Sara L. Caplan and Christopher R. Black, hereby submits his Sentencing Memorandum,¹ setting forth the factors the Court should consider in determining what type of sentence is sufficient, but not greater than necessary to comply with the statutory directives set forth in 18 U.S.C. §3553(a).

Mr. Ryan Hernandez has had significant time to reflect on his actions and criminal conduct in this matter and is regretful over the anguish it has caused to the victims and the Government. Mr. Hernandez submits to this Court as a challenged young man who is deeply remorseful and demonstratively affected by the pain, suffering, and humiliation he has caused his loved ones who care for him deeply.

At the heart of this case is the fact that Mr. Hernandez has made grave mistakes, that today jeopardize his freedom. However, his actions which were initiated as a 16-year old minor and most likely aggravated by his Autism Spectrum Disorder, illustrate that few legal principles are as deeply entrenched in

¹ Mr. Roger Pimentel, a sentencing consultant, assisted in the investigation and preparation of this filing. Mr. Pimentel's Curriculum Vitae is attached as Exhibit F.

1 our present jurisprudence as the concept of individualized sentencing. As the
2 Supreme Court has observed:

3 It has been uniform and constant in the federal judicial
4 tradition for the sentencing judge to consider every convicted
5 person as an individual and every case as a unique study in the
6 human failings that sometimes mitigate, sometimes magnify, the
7 crime and the punishment to ensue. Underlying this tradition is
8 the principle that the punishment should fit the offender and
9 not merely the crime.

10 *Pepper v. United States*, 131 S. Ct. 1229, 1239, 1240 (2011).

11 Thus, in each case a sentence should reflect an individualized assessment
12 of a particular offender's culpability and potential success in the community
13 rather than a mechanical application of a given sentence to a particular category
14 of crime.
15

16 II.

17 SUMMARY OF DEFENDANT'S SENTENCING MEMORANDUM

18 Mr. Hernandez is prepared to accept the sentence the Court finds
19 appropriate pursuant to the plea agreement he agreed to in this case. Mr.
20 Hernandez understands that accepting responsibility for his conduct may include
21 a significant period of incarceration in federal custody. Mr. Hernandez, through
22 his lawyer, moves the court to vary from the calculated guideline range of 63 to
23 78 months, and impose a "reasonable, fair, and just punishment" of no more than
24 36 months as agreed upon in the plea agreement, with an appropriate term of
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1 supervised release, which is more than sufficient to meet the purposes of 18
2 U.S.C. §3553(a)(2).

3 4 **A. Procedural Posture**

5 1. Mr. Hernandez is charged by Superseding Information with two counts
6 – Count 1: *Computer Fraud and Abuse*, a violation of 18 U.S.C. §1030(a)(2)(C)
7 and (c)(2)(B)(iii); Count 2: *Possession of Child Pornography*, a violation of 18
8 U.S.C. §2252A(a)(4)(b) and (b)(2).

9
10 Beginning in at least 2016,² and continuing through June of 2019, Mr.
11 Hernandez hacked into protected computers of Nintendo and stole non-public and
12 proprietary data belonging to Nintendo and shared the data with others through
13 social media and online portals. In late 2016 and early 2017, when Ryan was 16
14 years old, the Federal Bureau of Investigation (FBI) contacted Mr. Hernandez
15 and his parents. Mr. Hernandez agreed to cease his conduct. Mr. Hernandez
16 continued his conduct and executed additional intrusions of Nintendo servers.
17 Case agents eventually returned with search warrants. In addition to evidence of
18 continued hacking, agents located sexually explicit images of minors determined
19 to be illegal.
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25 2. Pursuant to a written plea agreement Mr. Hernandez entered a plea of
26 guilty to both counts. In exchange, the Government has agreed to recommend a
27

28 ² The defense notes that Mr. Hernandez was a minor and age 16, when his criminal conduct was initially investigated by the Government.

1 three level reduction for acceptance of responsibility and timeliness of guilty plea
2 (PSIR at ¶ 45). The Government and Mr. Hernandez both agree to recommend a
3 concurrent sentence of no more than 36 months, for the two counts. Count two is
4 the controlling count in this matter.
5

6
7 3. The Pre-Sentence Investigation Report (PSIR), pursuant to U.S.S.G. §
8 2G2.1 finds that the Total Offense Level is 26 and the Criminal History Category
9 I (PSIR at ¶¶ 46,49). The resulting recommended Guideline range of
10 imprisonment is 63 to 78 months.
11

12
13 4. Mr. Hernandez moves the court to sentence him pursuant to the plea
14 agreement and a “reasonable and just” sentence of not more than 36 months,
15 followed by an appropriate period of supervised release.
16

17 **B. Summary of the Argument**

18

19 5. The Guidelines are advisory. *United States v. Booker*, 125 S. Ct. 738,
20 (2005), *Gall v. United States*, 128 S.Ct. 586, 591 (2007). The properly calculated
21 guideline range is not to be presumed reasonable by the district court. *Gall v.*
22 *United States*. Recently, the child pornography guidelines, have been criticized
23 and scrutinized as the product of Congressional mandates with no empirical
24 support or distinction for differences between offenders. *United States v. Grober*,
25 624 F.3d 592 (3rd Cir.2010); United States Sentencing Commission, REPORT
26
27
28

1 TO CONGRESS: CHILD PORNOGRAPHY OFFENSES (December 2012).

2 This is contrary to the goals of sentencing expressed in 18 U.S.C. §3553.

3 6. Analysis of the facts of this case and application of §3553 factors favor
4 a downward variance to a “reasonable and just” sentence followed by an
5 appropriate term of supervised release. Further supporting this is the present
6 global Coronavirus-19 pandemic which is impacting federal prison populations.³
7

8
9 7. Ryan Hernandez is a young man, who was aged 16 to 20 when his
10 conduct occurred. As a youthful man who has voluntarily pled guilty to separate
11 counts, one alleging “hacking” and computer abuse and an unrelated Child
12 Pornography charge. The charges, as indicated in the plea agreement and
13 statement of facts, involve Mr. Hernandez intruding on protected servers and
14 stealing proprietary data belonging to Nintendo. Additionally, Mr. Hernandez
15 was found in possession of sexually explicit images involving minors. Up until
16 the present matter, Ryan Hernandez was a dependent, challenged young man,
17 living with his parents. As an extremely autistic individual with selective mutism,
18 Ryan struggles with common daily tasks such as hygiene and using the restroom.
19 Additionally, his chaotic upbringing and loneliness contribute to a misguided
20 and sad childhood. Further, Ryan’s immaturity and age at the time of conduct
21 bring into question his brain functioning and development of responsibility. In
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³ https://www.bop.gov/coronavirus/covid19_status.jsp

1 reality, the nature of Ryan's developmental disabilities will probably never
2 permit him to live an independent life. Ryan Hernandez, *a first time offender*,
3 now faces a potential guideline sentence that could incarcerate him for years. He
4 presently faces an advisory "low end" guideline range of 63 months in custody.
5

6 Indisputably, the charges against him which include possession of child
7 pornography are very serious offenses, as reflected by the potential penalties in
8 such cases. However, as demonstrated below, on multiple levels, Ryan
9 Hernandez deserves a mitigated sentence which will be sufficient to promote the
10 goals of sentencing. Also, such a sentence is not greater than necessary given the
11 atypical circumstances of the case and personal characteristics of the defendant.
12

13 8. The sexual exploitation and child pornography guidelines applied to
14 Mr. Hernandez' case are unique to the extent that they have been so grossly
15 increased in just recent years. As a result of the Protect Act and the Adam Walsh
16 Act, the Guidelines added a greater base offense level; mandatory minimums and
17 enhancements for various specific offense characteristics. As seen in the
18 underlying matter, the effect of the enhancements on Ryan is to make his
19 calculated guideline range exposure significantly more than it would have been in
20 recent years past. With no empirical evidence to support how these increased
21 guidelines support the purpose of sentencing, it suggests, at the very least, that
22 political forces, rather than analytical analysis, have entered the fray as to what
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1 constitutes “just punishment”.
2

3 9. Mr. Hernandez entered a timely guilty plea, as he recognizes his
4 wrong-doing and wholeheartedly accepts responsibility for it, while being
5 sincerely remorseful. Ryan should receive some rightful benefit of entering
6 into a plea agreement with the Government at the earliest possible time.
7

8 10. Based on Mr. Hernandez’ lack of criminal history, his lifetime
9 challenges with developmental abilities, correlating abysmal childhood, probable
10 cyber addiction issues, and his *unconditional acceptance of responsibility*, a
11 reasonable and just sentence of no more than 36 months is appropriate.
12
13

14 **III.**
15 **THE HISTORY AND CHARACTERISTICS OF THE DEFENDANT**
16 ***18 U.S.C. § 3553(a)(1)***

17 In order to understand why Ryan Hernandez has arrived at this federal
18 sentencing, it is important and necessary to understand Mr. Hernandez’s
19 background and the life he has lived. Ryan Hernandez is developmentally
20 disabled and a product of a turbulent and chaotic home, featuring uncertainty and
21 ineffective parenting which forced Ryan into personal isolation and reliance on
22 negative outside influences found on the dark corners of the internet.
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26 An understanding of Ryan’s family background and chronological history
27 gives insight into his poor self-image and social development.
28

Familial History and the Early Years

Ryan Stewart Hernandez was born in Palmdale, where he has lived his entire life, primarily in his bedroom, in his parents' home. Ryan is the youngest of four siblings born to the marital union of Ruben and Sheila Hernandez.

Ryan's father has worked his entire professional life in the hospitality industry. Today, he is employed as a general manager of a large hotel in Santa Monica. Prior to the COVID-19 pandemic, Ruben would work 12 to 16 hours daily in his upper management position. Today he is furloughed from his position but is hopeful of returning some time in 2021. Ryan's mother, Sheila, met Ruben in the early 1990's while also working in the hospitality business. The couple hit it off and married in 1993. Sheila would eventually leave the hospitality business, making Ruben the sole provider of the family. Sheila's focus throughout the marriage has been raising their four children and managing her medical conditions.

Ryan was born on January 24, 1999. Ruben and Sheila were well established in Palmdale, a growing suburb of Los Angeles. Ruben and Sheila had purchased a nice suburban home for the large family a few years earlier. Living in Palmdale meant long commutes for Ruben who would travel at least 60 miles one way. Aggravating the commute was traveling on the 405 freeway to West Los Angeles, which is notoriously known as the worst freeway in the country. It

1 is not uncommon for Ruben to commute between 4 to 6 hours on any given day.
2 Sheila's life at home was busy. Shuffling and caring for four children was
3 demanding. This was in addition to Sheila suffering from Lupus, a very serious
4 autoimmune disease that attacks healthy tissue and may cause damage to internal
5 organs.
6

7
8 While Ryan was the youngest, there was a 12 year difference between all
9 the children. Sean, the oldest, was in his teenage years and by all accounts was a
10 loving and caring child growing up. Unfortunately, during his latter teenage years
11 Sean was introduced to narcotics and Sean has struggled with addiction ever
12 since. Today, despite the familial efforts to help, Sean (age 33) continues to be
13 homeless, drug addicted, and a repeat criminal offender. Today, Ruben and
14 Sheila continue in family court proceedings on behalf of their 4 year old
15 grandson, as Sean has been deemed an unsuitable parent by the family courts.
16
17 Needless to say, all of the challenges related to Ryan's older brother has been
18 exhausting and dramatic over the past years. Episodes of overdoses, parole agents
19 visiting regularly, and law enforcement serving warrants was a common
20 occurrence. It is in this backdrop, that Ryan and his older sisters were raised.
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25 While living in Palmdale, Ryan attended the neighborhood preschool and
26 elementary school. From the earliest days of Ryan's education, it was evident that
27 his social skills were lacking. Ryan spoke sparingly with a significant lisp and
28

1 stutter in his early years. Additionally, Ryan never adapted to toilet training as a
2 child. Years of effort, pull-up diapers, and incidents of urinating and defecating
3 in his clothing frustrated his parents and also pointed to developmental
4 challenges.⁴ These physical attributes did not help Ryan with his peers, as
5 classmates were relentless in their teasing and bullying. This contributed to
6 Ryan's negative self-image, often thinking of himself as "stupid", despite being
7 an average student. Ryan's physique was also heavy and made him an easy target
8 for school bullies. The end result was that Ryan did not establish a lot of
9 friendships in his early years. This in turn made him introverted and even a loner.
10 Ryan found himself at home spending a lot of time trying to hide from the daily
11 struggles of school and peer groups that surrounded him. Despite the bullying,
12 and the significant lack of attention at home, Ryan found a way to progress in his
13 academics.
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19 **The Formative Years**

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21 Ryan continued on to Hillview middle school with many of the same daily
22 struggles. During his middle school years his Selective Mutism^{5 6} became more
23
24

25 ⁴ Starting in the 6th grade, Ryan started using a bucket to defecate in and would only urinate in the
26 shower. He continues this practice today, as he is still not proficient in using the toilet.

27 ⁵ <https://www.psychologytoday.com/us/conditions/selective-mutism>

28 ⁶ Children with selective mutism often have a family history of anxiety disorders. The neurological basis for selective mutism is thought to be a cascade of events in an area of the brain known as the amygdala, which receives danger signals from the environment. The anxiety from a situation perceived as dangerous to the child's well-being causes a communication shutdown. Children with selective

1 prevalent. This is the time period in which Ryan was sent to multiple therapists,
2 all of whom were unsuccessful in treating him, because they were unable to
3 communicate with Ryan. Ryan continued in school with very mixed results. In
4 courses that interested him, such as science and information technology, he often
5 did well. Subject matters that did not interest him usually correlated with poor
6 marks.
7

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9
10 Ryan's middle school years is also the time period that he was introduced
11 to computers. Ryan quickly found spending time on the internet as his alternative
12 reality. Ryan was a loner. In order to pass time and fill the void of loneliness that
13 Ryan often felt, he turned to the internet and video games. As his interest in video
14 games grew into an unhealthy obsession, his academics greatly suffered. Ryan's
15 grades in high school plummeted as his participation in academics was minimal.
16 Sadly, Ryan also missed the typical highlights of high school such as socializing,
17 homecoming dances, and school events. Often, thoughts of self-loathing and not
18 being loved entered Ryan's mind. Ryan was able to find some solace in his older
19 sister, Melissa, who to Ryan seemed like the only "adult" in the home. Ryan and
20 Melissa remain close today. Ryan was left alone in his room and mesmerized by
21 his computer. Any friendships that Ryan had were initiated and maintained
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mutism may have a variety of co-existing disorders, such as obsessive
compulsive disorder, autism spectrum disorder, or developmental delays.

1 online. At the age of 16, federal law enforcement initiated its investigation into
2 Ryan's online activities. Real in-person relationships or friendships did not exist
3 for Ryan. Ryan struggled through high school and graduated from Quartz High
4 School by way of its alternative continuation program with a 1.8 grade point
5 average. Ryan moved on to the local community college and enrolled in a couple
6 of classes. His efforts at community college were unsuccessful.
7
8

9 **Ryan Hernandez and His Personal Struggles Today**

10
11 Ryan continues living at home today with his parents. He remains
12 incapable of independent living. His challenges with toilet training, fecal
13 smearing, general hygiene, and communication make long term dependency on
14 his family a certainty for the foreseeable future. Following an extensive
15 psychological evaluation by Dr. Albert Knapp (Exhibit A), Ryan was determined
16 to be constrained by Autism Spectrum Disorder (ASD).⁷ Dr. Knapp relates how
17 Ryan's challenges have impacted his daily living...
18
19
20

21 Although Ryan demonstrates symptoms of selective mutism,
22 Ryan's behaviors are better understood as a symptom of ASD
23 rather than a separate disorder. Selective Mutism is considered
24 an anxiety disorder and Ryan reports minimal levels of anxiety.

25 ⁷ According to the Centers for Disease Control (CDC), Autism Spectrum Disorder (ASD) is a
26 developmental disability that can cause significant social, communication and behavioral challenges.
27 There is often nothing about how people with ASD look that sets them apart from other people, but
28 people with ASD may communicate, interact, behave, and learn in ways that are different from most
other people. The learning, thinking, and problem-solving abilities of people with ASD can range from
gifted to severely challenged. Some people with ASD need a lot of help in their daily lives; others need
less.

1 Rather, Ryan is able to speak with his parents and his friends when
2 it is in regards to a need or a specific interest area. This speaks more
3 to his communication and social difficulties along with rigidities of
4 interpersonal interaction and activities.

5 Ryan's inability to communicate has been a struggle most of his life. As
6 documented by Dr. Knapp's report, Ryan has never verbally communicated with
7 people close to the family including friends of the family, Ryan's personal
8 doctors, and the family lawyer (Exhibit A, Pg. 4, ¶ 5). Ryan uses a variety of
9 facial gestures, hand signs, and writing to communicate.
10

11 Ryan's long term dependence on technology has undoubtedly contributed
12 to the underlying conduct. Also noted in Dr. Knapp's evaluation are references to
13 "cyber addiction" and an appropriate treatment path.
14

15
16 Ryan may also benefit from a cyber addiction recovery group
17 or treatment program. Although this is not currently a diagnosis
18 in the DSM-V, there is emerging support for treatment in this
19 area. Ryan's behaviors demonstrate a need for Ryan to develop
20 impulse control around cyber-related behaviors.

21 Since Ryan's initial evaluation in August of 2019, he has voluntarily
22 participated in individual psychotherapy sessions with staff at Albert Knapp and
23 Associates.⁸ The weekly individual sessions have been targeting a variety of
24 different areas and include: coping mechanisms for stress and loneliness, impulse
25 control management, development of social skills, and emotional development
26
27

28

 ⁸ See Exhibit E.

1 and empathy.

2 Ryan and his family are hopeful that he can continue on his weekly therapy
3 regimen moving forward as it has provided support and headway for his
4 challenges.
5

6 **Overview of Gaming Addiction**

7
8 Since his middle school years, Ryan has been consumed by video games.
9 Playing games on his computer or other devices, such as gaming consoles or
10 mobile phones, account for the majority of his hours spent throughout the day.
11 Sadly, this is the primary manner in which Ryan communicates with people.
12 Through interactive gaming and web applications, Ryan has developed
13 “friendships” and peer groups on-line. Ryan has no other friends or relationships.
14
15 Ryan does not leave his bedroom on his own volition. He does not exercise or
16 spend time outdoors. Ryan’s only interest is on-line gaming.
17

18
19 “Addiction is any behavior that you have difficulty controlling and that
20 you continue to do despite negative consequences.”⁹ Video game addiction is
21 also known as gaming disorder or internet gaming disorder and is generally
22 defined as problematic, compulsive use of video and/or internet games, that
23 results in significant impairment in an individual's function.
24
25
26
27

28 ⁹ I Want to Change My Life: How to Overcome Anxiety, Depression, & Addiction, Steven Melemis, Ph.d., MD, 2011.

1 This, and associated concepts, have been the subject of considerable
 2 research, debate, and discussion amongst experts in several disciplines and have
 3 generated controversy from the medical, scientific and gaming communities. The
 4 disorder may present itself as compulsive gaming, social isolation, mood swings,
 5 diminished imagination, and hyper focus on in-game achievements to the
 6 exclusion of other events in life.¹⁰

9 Such disorders can be diagnosed when an individual engages in gaming
 10 activities at the cost of fulfilling daily responsibilities or pursuing other interests
 11 and without regard of the negative consequences.¹¹

13 Children with autism spectrum disorder (ASD) and those with ADHD are
 14 at risk for preoccupation with video games. Studies have shown that children
 15 with ASD spend substantial amounts of time playing video games,^{12 13 14} have

21 ¹⁰ Schivinski, Bruno; Brzozowska-Woś, Magdalena; Buchanan, Erin M.; Griffiths, Mark D.;
 22 Pontes, Halley M. (December 2018). "Psychometric assessment of the Internet Gaming
 Disorder diagnostic criteria: An Item Response Theory study". Addictive Behaviors Reports. 176-184.

23 ¹¹ Ibid.

24 ¹² Orsmond GI, Kuo H-Y. The daily lives of adolescents with an autism spectrum disorder:
 discretionary time use and activity partners. Autism. 2011;15(5):579–599

25 ¹³ Mazurek MO, Shattuck PT, Wagner M, Cooper BP. Prevalence and correlates of screenbased media
 26 use among youths with autism spectrum disorders. J Autism Dev Disord. 2012;42(8):1757–1767

27 ¹⁴ Shane HC, Albert PD. Electronic screen media for persons with autism spectrum disorders: results of
 28 a survey. J Autism Dev Disord. 2008;38(8):1499–1508

1 difficulty disengaging from them,¹⁵ and show higher levels of problematic
 2 (addictive) video game use than do children with typical development.¹⁶

3
 4 While the American Psychiatric Association does not recognize video
 5 game addiction as a disorder, in light of existing evidence, the organization
 6 included video game addiction as a "condition requiring further study" in the
 7 DSM-V as Internet gaming disorder.
 8

9 **Autism and the Criminal Justice System**

10
 11 General factors that may make an autistic individual vulnerable to
 12 offending include "poor school achievement, truancy, aggressive behavior," and
 13 factors directly linked to autistic characteristics such as "poor social
 14 understanding or circumscribed interests; difficulties in adjusting to the
 15 diagnosis; and the impact of social exclusion."¹⁷ In recognizing this, the
 16 Asperger/Autism Network, an Autism advocacy group, sponsored a position
 17 paper¹⁸ outlining principles for prosecutors and court systems to consider. A
 18 sampling includes:
 19
 20
 21
 22

23
 24 ¹⁵ Mazurek MO, Wenstrup C. Television, video game and social media use among children with ASD
 and typically developing siblings. J Autism Dev Disord. 2013;43(6): 1258–1271

25
 26 ¹⁶ Nally B, Houlton B, Ralph S. Researches in brief: The management of television and video by
 parents of children with autism. Autism. 2000;4(3):331–337

27
 28 ¹⁷ David Allen et al., Offending Behaviour in Adults with Asperger Syndrome, 38 J. AUTISM &
 DEVELOPMENTAL DISORDERS 748, 748 (2008)

¹⁸ <https://www.aane.org/principles-for-prosecutors/>

- 1 • Young persons with Autism/Asperger's Syndrome (AS), despite average or higher
2 intelligence and academic performance, have the social and emotional skills of children
3 well below their own chronological age, and well below the minimum age for criminal
4 prosecution in federal and state courts. AS individuals are neurologically impaired in
5 their ability to appreciate the social/moral/legal unacceptability of their conduct or to
6 intuit why the conduct is unacceptable; these are capabilities which state legislators and
7 Congress presumed to inhere in the general population to whom the criminal laws
8 apply.
- 9 • In an interrogation setting the AS individuals may appear deceptive because of deficits
10 in communication skills, such as the inability to make normal eye contact. At the same
11 time they may in fact be over compliant with suggestions made by police officers. AS
12 impairs the ability of offenders to respond with expressions of remorse to which
13 prosecutors and judges typically look for reassurance in considering alternate
14 dispositions of criminal matters.
- 15 • AS is not a condition related to any sexual paraphilia (e.g. pedophilia) and is not a
16 precursor thereto. Usually little more than giving explicit instructions is needed to
17 prevent recurrence of the behavior. As persons with AS age, they may become better
18 adapted and may present different behaviors than in their youth.
- 19 • Prosecutors should take AS into account in determining whether to target, prosecute or
20 seek a conviction in an apparent case of possession of child pornography.
- 21 • Persons with AS experience lifelong difficulties. Young persons with AS are not able to
22 live independently, and need to live with their families – their parents and siblings.
23 Therefore the sex offender registration and residency restrictions arising from a child
24 pornography conviction would have a cumulative and disastrous effect in these cases,
25 and on other parties, than in other cases involving neuro-typical adults.
- 26 • Prosecutors should be encouraged to defer criminal prosecution in cases involving
27 young first offenders with AS who have no history of directly offending against
28 children, or having produced or distributed child pornography, no clinical indications of
pedophilia (other than accessing child pornography) , nor history of prior offenses
involving child pornography.
- Prosecutors should encourage therapeutic intervention in cases of suspected child
pornography use by such individuals, and utilize probationary periods and deferred
prosecutions to monitor compliance before considering actual prosecutions in such
cases.

1 Additionally, professionals in the field indicate that autistic youth may be
2
3 more vulnerable to exposure to child pornography, because of their disorder.

4 According to Nicole Sussman, M.D., of Cambridge Health Alliance...

5
6 Teens with autism spectrum disorder might be particularly at higher risk
7 for accessing child pornography and subsequent conviction...Meanwhile,
8 autistic youth might feel more comfortable interacting with others on their
9 computers. Paired with a difficulty in judging others' age and a limited
10 awareness or understanding of the potential outcomes of their actions,
11 autistic youth can easily fall into a trap of accessing child pornography.
12 Further, youth are drawn toward images depicting people they personally
13 identify with in terms of their social or emotional age.¹⁹

14 Dr. Sussman recommends that preventing Autistic teens from seeking
15 child pornography requires a comprehensive treatment plan that includes digital
16 citizenship education and boundary training.

17 **Ryan Hernandez is Vulnerable to Victimization or Abuse in Prison**

18 Notwithstanding the underlying matter, Ryan has never been to jail or
19 prison. Ryan struggles in social settings due to continued awkwardness, selective
20 mutism, and being introverted. Ryan's world is very small, and focused on the
21 inner circle of his family. His world does not include interaction with hardened
22 criminals in a closed prison setting. Ryan's disability and awkwardness coupled
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27 ¹⁹ Clinical Psychiatry News-*Autistic youth face higher risks from online child pornography*
28 Publish date: December 4, 2018; <https://www.mdedge.com/psychiatry/article/190210/mixed-topics/autistic-youth-face-higher-risks-online-child-pornography/page/0/1>

1 with a conviction for child pornography make him prone to attack in prison.

2 Autistic people and people with intellectual disability often have difficulty
3 understanding prison rules and norms, making them especially vulnerable to
4 exploitation in prison.²⁰ A defendant's unusual susceptibility to abuse by other
5 inmates while in prison may warrant a downward departure. ¶ *United States v.*
6 *Parish*, 308 F.3d 1025,1031(9th Cir. 2002)(citing *Koon v. United States*, 518 U.S.
7 81,116 S.Ct.2035)(1996).²¹

8
9 In its ground breaking 2001 report on male rape in prison, Human Rights
10 Watch revealed a broad range of factors that correlate with increased
11 vulnerability to rape. Specifically, prisoners fitting *any part* of the following
12 description are more likely to be targeted: young, small in size, physically weak,
13 white, gay, first offender, possessing "feminine" characteristics such as long hair
14 or a high voice; being unassertive, unaggressive, shy, intellectual, not street-
15 smart, or "passive", or having been convicted of a sexual offense against a minor.
16 Inmates with any one of these characteristics typically face an increased risk of
17 sexual abuse, while prisoners with several overlapping characteristics are much
18 more likely than other prisoners to be targeted for abuse.
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25 ²⁰ https://www.themarshallproject.org/2020/11/02/prison-is-even-worse-when-you-have-a-disability-like-autism?utm_medium=email&utm_campaign=newsletter&utm_source=opening-statement&utm_term=newsletter-20201102-2217

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27
28 ²¹ In *Parish*, the district court found that the defendant —was susceptible to abuse in prison because of a —combination of factors: —his stature, his demeanor, his naiveté, [and] the nature of the offense.¶ 308 F.3d at 1031-1032

1 Ryan Hernandez is youthful, unassertive, awkward, timid, and a first-time
2 offender who has been convicted of Possession of Child Pornography. Ryan will
3 be among the most vulnerable to abuse simply because of his appearance and
4 demeanor, coupled with the nature of the crime, possession of child pornography
5 and Ryan's susceptibility for abuse becomes a virtual certainty.
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9 **IV.**
10 **FACTS OF THE CASE AND PROCEDURAL BACKGROUND**

11 Mr. Ryan Hernandez, is a 21-year-old male and citizen of the United
12 States. He has been charged in the Western District of Washington, by
13 Superseding Felony Information, with a single count of *Computer Fraud and*
14 *Abuse*, a violation of 18 U.S.C. §1030(a)(2)(C)and (c)(2)(B)(iii); and a single
15 count of *Possession of Child Pornography*, a violation of 18 U.S.C. §2252A
16 (a)(4)(b) and (b)(2).
17

18
19 Beginning in at least 2016, and continuing through June of 2019, Mr.
20 Hernandez hacked into protected computers of Nintendo and stole non-public and
21 proprietary data belonging to Nintendo and shared the data with others through
22 social media and online portals. In late, 2017, the Federal Bureau of Investigation
23 (FBI) contacted Mr. Hernandez and his parents. Mr. Hernandez agreed to cease
24 his conduct. Mr. Hernandez continued his conduct and executed additional
25 intrusions of Nintendo servers. Case agents eventually returned with search
26
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28

1 warrants. In addition to evidence of continued hacking, agents located sexually
2 explicit images of minors determined to be illegal.

3
4 On January 30, 2020, Mr. Hernandez entered a guilty plea to both charged
5 counts. Sentencing in this matter is set for December 1, 2020.

6
7 **V.**
8 **THE SENTENCING GUIDELINES IN THIS CASE LACK THE**
9 **SUPPORT OF EMPIRICAL EVIDENCE**

10 The reasonableness of any sentence is determined by a district court's
11 individualized application of the statutory sentencing factors. Unfortunately, in
12 this case the Court is working with a guideline that is fundamentally different
13 from most in that, unless applied with great care, can lead to an unreasonably
14 excessive sentence that is inconsistent with §3553.
15
16

17 Sentencing guidelines are typically developed by the Sentencing
18 Commission using an empirical approach based on data about past sentencing
19 practices, *United States v. Rita*, 551 U.S. 338, 349 (2007). However, the
20 Commission was prevented from using the empirical approach in formulating the
21 Guidelines for child pornography. Instead, at the direction of Congress, the
22 Sentencing Commission has amended the Guidelines under §2G2.1 and 2.2
23 several times since their introduction in 1987, recommending increasingly
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1 harsher penalties each time.²²

2 The child pornography guidelines have been the subject of intense scrutiny
3 leading to a criticism of their application by district courts. Judges across the
4 country have been critical of the guidelines in child pornography cases, especially
5 the fact that the increase in the guidelines are based on congressional directives
6 as opposed to empirical evidence.²³
7

8

9 **VI.**

10 **THE STATUTORY SENTENCING FACTORS IN 18 U.S.C. U.S.C. § 3553(a)**
11 **REQUIRE A SENTENCE BELOW THE GUIDELINES RANGE**

12 Core principles in sentencing have now been resolved by the Supreme
13 Court in *United States v. Booker*, 125 S. Ct. 738, (2005), *Gall v. United States*,
14 128 S.Ct.586, 591(2007) and *Kimbrough v. United States*, 128 S.Ct.at 570 (2007).
15

16 **The Guidelines are not only not mandatory on sentencing**
17 **courts; they are also not to be presumed reasonable.**

18 *-Nelson v. United States, 129 S.Ct. 890,891 (2009).*

19

20 What the Supreme Court has described as the “overarching provision” of
21 18 U.S.C. § 3553(a) is set forth in that provision’s very first sentence – that “the
22 court shall impose a sentence sufficient, but not greater than necessary, to comply
23

24

25 ²² United States Sentencing Commission, *The History of Child Pornography Guidelines* Oct. 2009,
26 available at http://www.ussc.gov/general.20091030_History_Child_Pornography_Guidelines.pdf.

27 ²³ See also *United States v. Grober*, 624 F.3d 592, 600-01 (3d Cir. 2010) (applying abuse of discretion
28 review to a district court’s policy-based downward variance from § 2G2.2 because “the Commission
did not do what ‘an exercise of its characteristic institutional role’ required—develop §2G2.2 based on
research and study rather than reacting to changes adopted or directed by Congress”)

1 with the purposes of sentencing set forth in subparagraph (2) of this subsection.”
2
3 *Kimbrough v. United States*, 128 S. Ct. at 570 (2007). This description by the
4 Supreme Court makes clear that this “parsimony principle” is not mere precatory
5 language, but is a key – in fact, *the* key – requirement that a sentence must
6 satisfy. Thus, factors justifying a sentence outside the guideline range *are no*
7 *longer required to be “extraordinary.” Gall*, 168 S.Ct. at 595.
8
9

10 Congress could not have been clearer in directing that no
11 limitation be placed on the information concerning the
12 background, character, and conduct of a defendant that a
13 district court may receive and consider for the purpose of
14 imposing an appropriate sentence. Permitting sentencing
15 courts to consider the widest possible breadth of information
16 about a defendant “ensures that the punishment will suit
17 not merely the offense but the individual defendant.”
18 *-Pepper*, 131 S.Ct at 1240.

19 Thus, the challenge in this case is to determine a fair sentence that is
20 sufficient, but not greater than necessary. A sentence that is too severe is unjust,
21 and therefore, also fails to promote respect for and confidence in the law. As it
22 pertains to Mr. Hernandez, the sentence which is sufficient, but not greater than
23 necessary, is far less than the guideline range of 63 to 78 months the
24 probation office has calculated. Regardless, Mr. Hernandez has agreed to
25 participate in the plea agreement process in an effort to illustrate complete
26 acceptance of responsibility and to initiate forward movement and needed
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1 support to Mr. Hernandez' life. Application of the 3553(a) factors clearly
2 support a mitigated sentence.
3

4 Other statutory sections also give the district court direction in sentencing.
5 Under 18 U.S.C. § 3582, the imposition of a term of imprisonment is subject to
6 the following limitation: in determining whether and to what extent imprisonment
7 is appropriate based on the Section 3553(a) factors, the judge is required to
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9
10 *“recognize that imprisonment is not an appropriate means of promoting*
11 *correction and rehabilitation”.*
12

13 **A.THE NATURE AND CIRCUMSTANCES OF THE OFFENSE**
14 **(18 U.S.C. § 3553(a)(1))**

15 The child pornography offense related to Ryan Hernandez is a fairly
16 typical one; though it involves the use of a computer and possession of a
17 moderate number of images, some of which may involve prepubescent minors
18 and are treated as sadistic under the case law, that is true of the vast majority of
19 child pornography offenses in this computer age. And while such possession of
20 child pornography is certainly a serious offense, it is serious not so much for the
21 direct conduct of possession but for the market it creates for those who actually
22 willfully distribute images, produce the child pornography, and abuse children in
23 the process. The possession offense falls at the lowest end of the continuum of
24 sex offenses. It is less serious than distribution of child pornography. It is less
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serious than production of child pornography and it is less serious than the actual molestation of children, none of which Mr. Hernandez has been charged with. As the court articulated it in *United States v. Baird*, 580 F. Supp. 2d 889 (D.Neb. 2008):

It is clear that one possessing child pornography has far less culpability than one distributing pornography, who, in turn, has far less culpability than one who produces child pornography. The greater culpability of an actual predator or abuser should be reflected in a sentence that greatly exceeds the punishment for the exploitative crimes that do not involve acts of abuse by a defendant.

The Third Circuit has offered an important caution when considering child pornography offense conduct:

It has often been stated that possession and distribution of child pornography are very serious crimes that have a terrible impact on real victims. No one could sincerely disagree with that statement, and the seriousness of the crimes is reflected in the penalties that Congress has prescribed as well as in the Guidelines that are promulgated by the Sentencing Commission. However, revulsion over these crimes cannot blind us as jurists to the individual circumstances of the offenders who commit them.

United States v. Olhovsky, 562 F.3d 530, 552 (3rd Cir. 2009)

B. THE PURPOSES OF SENTENCING (18 U.S.C. § 3553(a)(2))
The Seriousness of the Offense and Promoting Respect for the Law, and Just Punishment (18 U.S.C. § 3553(a)(2)(A)).

Promoting respect for the law means more than merely doling out harsh punishment. As noted by the Supreme Court in *Gall v. United States*, 128 S. Ct at 599, an overly harsh sentence “may work to promote not respect, but derision of the law if the law is viewed as merely a means to dispense harsh punishment

without taking into account the real conduct and circumstances involved in sentencing.” And as explained by the Third Circuit with respect to child pornography sentences in particular:

The hideous nature of an offender’s conduct must not drive us to forget that it is not *severe* punishment that promotes respect for the law, it is *appropriate* punishment. Although there are clearly times when anything less than severe punishment undermines respect for the law, it is just as certain that unduly severe punishment can negatively affect the public’s attitude toward the law and toward the criminal justice system. It is no doubt partly for that reason that jurists have referred to the responsibility of sentencing as “daunting.” The power and responsibility of a sentencing court is, indeed, nothing short of “daunting.” It requires a careful balancing of societal and individual needs, and an ability to determine a sentence based on dispassionate analysis of those often competing concerns.

United States v. Olhovsky, 562 F.3d 530, 551-52 (3rd Cir. 2009)

These child pornography cases, however have become especially difficult at sentencing as judges must determine punishment by striking a balance between punitive measures appropriate for those defendants who produce the disgusting images, or distribute them for profit, and those defendants, like Mr. Hernandez, who have no previous criminal history and has not distributed or manufactured child pornography.

Just Punishment (18 U.S.C. § 3553(a)(2)(A))

The child pornography and sexual exploitation guidelines that Mr. Hernandez is subject to, are unique to the extent that they have been so grossly increased in just recent years. As a result of the Protect Act, which was passed by

1 Congress, the Guidelines added a greater base offense level; created mandatory
2 minimums, and an enhancement for using a computer amongst others. The
3 impact on Mr. Hernandez's potential sentence is significant. The inclusion of an
4 enhancement using a computer and the number of images enhancement are the
5 most glaring examples of where the guidelines do not correlate with present day
6 technology. With no empirical evidence to support how these increased
7 guidelines support the purpose of sentencing, it suggests, at the very least, that
8 political forces, rather than analytical analysis, have entered the fray as to what
9 constitutes "just punishment".
10
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12

13 Mr. Hernandez' tragic personal history is a considering factor and similar
14 to that in other cases where the District Courts have considered departures or
15 variances to be warranted. See *United States v. Lopez*, 938 F.2d 1293, 1297-99
16 (D.C.Cir. 1991)(Where Defendant received 51 months in cocaine case, case
17 remanded for district court to consider departure because defendant was exposed
18 to domestic violence; the death of his mother by his stepfather murdering her, his
19 need to leave town because of threats, and his growing up in slums); *United*
20 *States v. Walter*, 256 F.3d 891 (9th Cir. 2001)(where Defendant sent threat to the
21 president, court could downward depart because of combination of brutal
22 beatings by defendant's father, the introduction of drugs and alcohol by his
23 mother, and sexual abuse); *United States v. Rivera*, 192 F.3d 81, 84 (2nd Cir.
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1999)("It seems beyond question that abuse suffered during childhood - at some level of severity - can impair a person's mental and emotional conditions.... district courts may properly grant a downward departure on the ground that extreme childhood abuse caused mental and emotional conditions that contributed to the defendant's commission of the offense.").

While Mr. Hernandez did not suffer childhood abuse, he was raised in a chaotic and turbulent environment which led to loneliness, self-loathing, and lack of self-confidence. Additionally, because of his disability and demeanor he has lived a life in which teasing and bullying was the norm within any peer settings that he was a part of. Without effective guidance, supervision, or boundaries, Mr. Hernandez was left to his own devices which led him to obsessive compulsive behavior and to the dark corners of the internet.

Mr. Hernandez' mental health and the risks of COVID-19 in custody will make incarceration at BOP extraordinarily difficult

The World Health Organization ("WHO") has recognized that incarcerated people "are likely to be more vulnerable to the COVID-19 outbreak than the general population because of the confined conditions in which they live".²⁴ The Center for Disease Control (CDC) has explained that correctional facilities

²⁴ Preparedness, prevention and control of COVID-19 in prisons and other places of detention (Mar. 15, 2020), http://www.euro.who.int/__data/assets/pdf_file/0019/434026/Preparedness-prevention-and-control-of-COVID-19-in-prisons.pdf.

1 “present unique challenges for control of COVID 19 transmission among
 2 incarcerated persons, detention center staff, and visitors.” Appx. 416-41
 3 (CDC Guidance). Conditions in correctional facilities pose very significant
 4 risks for transmitting COVID-19 not only to the people incarcerated there,
 5 but also to employees and volunteers—and from them to the community as
 6 a whole.
 7
 8

9 Regardless whether the Bureau of Prisons (“BOP”) can monitor and treat
 10 Mr. Hernandez’ medical issues and disability, they should be considered along
 11 with the deadly and ongoing crisis of COVID-19 in prisons. To determine just
 12 punishment for Mr. Hernandez, the Court must consider how he would serve his
 13 prison time. To start, he would spend it in lockdown conditions similar to solitary
 14 confinement. BOP has “modified its operations” to respond to the spread of
 15 COVID-19.²⁵ Individuals in “every institution” are “secured in their assigned
 16 cells/quarters to decrease the spread of the virus.”²⁶ Family and friends cannot
 17 visit.²⁷ And while BOP’s website claims movement exceptions are made to
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 23 ²⁵ Fed. Bureau of Prisons, *Fed. Bureau of Prisons COVID-19 Action Plan* (Mar. 13, 2020),
 24 https://www.bop.gov/resources/news/20200313_covid-19.jsp (Phase II).

25 ²⁶ Institution lockdown commenced on April 1, 2020 (Phase V). *See also* Fed. Bureau of Prisons, *BOP*
 26 *Implementing Modified Operations*, https://www.bop.gov/coronavirus/covid19_status.jsp (last visited
 27 July 9, 2020). And, at some facilities, once someone tests positive for the virus, they are put in solitary
 confinement. *See, e.g.*, Class Action Complaint, *Torres v. Milusnic*, No. 20-cv-04450 (C.D. Cal. May
 16, 2020), ECF No. 1.

28 ²⁷ Fed. Bureau of Prisons, *BOP Implementing Modified Operations*
https://www.bop.gov/coronavirus/covid19_status.jsp

1 permit showers three times a week, telephone and email access, commissary, and
 2 laundry,²⁸ even these most essential activities are not always allowed, and instead,
 3 conditions amount to “total lockdown” for “almost twenty-four hours a day.”²⁹ A
 4 prison sentence now is essentially a mandate to isolation, though nobody knows
 5 for how long.
 6
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8 Despite the BOP’s efforts, COVID-19 continues to spread within its
 9 facilities—123 people have died, including 121 inmates and two staff
 10 members.³⁰ A report in the Journal of the American Medical Association confirms
 11 that “COVID-19 case rates have been substantially higher and escalating much
 12 more rapidly in prisons than in the US population.” The case rate in prisons is 5.5
 13 higher than the US population, and the death rate is 3.0 times as high. And
 14 “although some facilities did engage in efforts to control outbreaks, the findings
 15 suggest that overall, COVID-19 in US prisons is unlikely to be contained without
 16 implementation of more effective infection control.”³¹
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 24 ²⁸ Ibid

25 ²⁹ Fed. Bureau of Prisons, *BOP: COVID-19 Update*, <https://www.bop.gov/coronavirus/>

26 ³⁰ Brendan Saloner, Kalind Parish, Julie Ward, *COVID-19 Cases and Deaths in*
 27 *Federal and State Prisons*, J. of American Medical Ass’n., July 8, 2020 (available at
 28 <https://jamanetwork.com/journals/jama/article-abstract/2768249>.)

³¹ Ibid

While Mr. Hernandez recognizes the severity and serious nature of the offenses for which he stands guilty today, he remains contrite and asks the Court to meet the sentencing goals associated with “just punishment”, and impose a mitigated sentence.

Deterrence (18 U.S.C. § 3553(a)(2)(B))

In consideration of deterrence – general deterrence, i.e., deterrence of others, and specific deterrence, i.e., deterrence of Mr. Hernandez, at least some courts have questioned whether child pornography sentences can accomplish general deterrence. As the court in *United States v. Beiermann*, 599 F.Supp. 2d 1087 (N.D. Iowa 2009) opined:

While the public’s outcry for harsher sentences in child pornography cases is certainly understandable, there is not a single sliver of evidence in this sentencing record remotely supporting the notion that harsher punishment would reduce the flow of child pornography on the Internet. From the rapid growth of these cases that my colleagues around the country and I are seeing, we cannot sentence Internet users and sharers of child pornography fast enough for long enough to make a dent in the availability of such material on the Internet. This does not mean that the defendant should not receive a lengthy sentence for his criminal conduct, but it does mean that the sentence should not be longer simply to satisfy an objective that, while laudable, is not being achieved according to any empirical or other evidence in this case or, for that matter, empirical evidence in any other case or source that I am aware of.

It is also must be noted that scientific studies regarding deterrence suggest that it is the *fact* of a sentence, not its length, that has a deterrent impact.³² This

³² Kleck, et al., *The Missing Link in General Deterrence Theory*, 43 *Criminology* 623,653 (2005)

would seem particularly true in the case of child pornography offenders, like Mr. Hernandez, who is a very youthful first time offender, with autism who has never been to prison before, and who feel punished not just by incarceration but also by the social embarrassment, the ongoing label resulting from having to register as a sex offender, and the continuing intrusion into their lives created by the supervised release which follows any term of imprisonment.

The Need to Protect Society (18 U.S.C. § 3553(a)(2)(B))

Relevant factors in protecting society that the sentencing guidelines related to child pornography offenses, *did not take into consideration when promulgated are:*

- Lifetime Supervised Release is now available, as of 2004
- Stringent and behavior related supervised release conditions and strict supervision policies such as sex offender treatment, search, polygraph, surveillance and increased contacts in the community are now all standardized by the Administrative Office of the United States Courts for federal probation officers, as of 2011
- Sexual Offender Registration and Notification Act (SORNA) as of 2006, requiring the registration of all sexual offenders
- Sexually Dangerous Person Designation, as of 2006, thus exposing repeat offenders to potential civil commitment

The Most Effective Sentence (18 U.S.C. § 3553(a)(2)(D))

The sentence imposed must also “provide the defendant with needed educational or vocational training, medical, *mental health care*, or other

1 correctional treatment in the most effective manner.”

2
3 **VII.**
4 **CONCLUSION**

5 To be sure, Mr. Hernandez’s misconduct warrants punishment. The
6 punishment, though, must equally account for each factor under 18 U.S.C.
7 §3553(a) without being unnecessarily harsh. Ryan now stands deeply remorseful,
8 extremely regretful, and he accepted responsibility very early on in the
9 proceedings to demonstrate the extent of his remorse and wanting to take
10 responsibility.
11
12

13 Mr. Hernandez has endured a difficult childhood of loneliness, self
14 loathing and exposure to relentless bullying. Out of this darkness and self-
15 pity, Ryan turned to the fringes of the internet in an effort to ease his personal
16 pain. This is where he found friendship, attention, and became obsessed with
17 video gaming. Unfortunately, he also found negative peers, a network of criminal
18 hackers and child pornography. To be clear though, Mr. Hernandez is not a
19 prowling pedophile, sophisticated hoarder of images, or distributor of child
20 pornography for whom the stiff guidelines were intended. Ryan is an immature,
21 first time offender, who is developmentally disabled and challenged in many
22 ways by Autism Spectrum Disorder, which surely contributed to his poor
23 decision making process. To his credit, Mr. Hernandez has been attending weekly
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1 psychotherapy sessions to assist in the management of his disorder.

2 Further Mr. Hernandez, at age 21, must register as a sex offender in any
3 community where he lives and works. In California, Mr. Hernandez will live with
4 the stigma of his conviction for a lifetime; a stigma that will dictate where he can
5 live, work, or recreate. Thus, a sentence below the advisory Guidelines should not
6 be interpreted as leniency.
7

8
9 Ryan Hernandez has many personal challenges at the moment, but
10 nevertheless he is ready to accept responsibility for his actions and move forward
11 with his life. The Court is asked to impose a sentence, consistent with the plea
12 agreement, that reflects moderation, compassion, and recognition of the
13 immensely difficult and painful situation in which Ryan, through his mistakes,
14 has placed himself and his loved ones.
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18 A mitigated sentence, with an appropriate period of supervised release
19 which is also a “substantial restriction of freedom,” *Gall v. United States*,
20 (2007)³³ – is more than sufficient to constitute just and fair punishment.
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27 ³³ This is especially true in the case of a child pornography offender, because the conditions imposed on
28 such offenders are usually significantly more intrusive and demanding. In May of 2011, the
Administrative Office of United States Courts issued national policy to federal probation officers
outlining appropriate procedures in the community supervision of child pornography offenders. In
addition, child pornography offenders must register as sex offenders and carry that public brand.

1 Respectfully submitted on this 25th day of November, 2020.

2
3
4 /s/ Sara L. Caplan

5 Sara L. Caplan
6 Attorney for the Defendant
7 CA. State Bar Number: 147271
8
9

10
11 /s/ Christopher R. Black

12 Christopher R. Black
13 Attorney for the Defendant
14 WA. State Bar Number: 31744
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**VIII.
LIST OF EXHIBITS**

A. PSYCHOLOGICAL EVALUATION OF RYAN HERNANDEZ BY
KNAPP & ASSOCIATES

B. PSYCHOLOGICAL EVALUATION OF RYAN HERNANDEZ AND
RELATED DOCUMENTS TO NORTH LOS ANGELES COUNTY
REGIONAL CENTER

C. BUREAU OF PRISONS MEMORANDUM

D. CHARACTER REFERENCE LETTERS

E. LETTER FROM RYAN'S THERAPIST

CURRICULUM VITAE OF SENTENCING CONSULTANT ROGER
PIMENTEL